

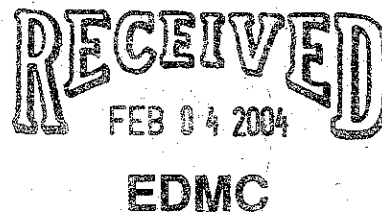


STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1315 W. 4th Avenue • Kennewick, Washington 99336-6018 • (509) 735-7581

February 1, 2004

Mr. Keith A. Klein, Manager  
Richland Operations Office  
United States Department of Energy  
P. O. Box 550, MSIN: A7-50  
Richland, Washington 99352



Dear Mr. Klein:

Re: Review of the M-91-03 Mixed Low-Level Waste Project Management Plan (PMP)  
Pursuant to Hanford Federal Facility Agreement and Consent Order Action Plan  
Section 9.2

The Washington State Department of Ecology (Ecology) is in receipt of the PMP, entitled M-91 MIXED LOW-LEVEL WASTE PROJECT MANAGEMENT PLAN (HNF-19169, Rev. 0, M-91 Mixed Low-Level Waste PMP), dated December 2003, submitted by the United States Department of Energy (USDOE) on December 31, 2003, and accompanied by USDOE letter (04-AMCP-0143), entitled TRANSMITTAL OF THE MIXED LOW-LEVEL WASTE PROJECT MANAGEMENT PLAN (PMP).

Milestone 91-03, in accordance with Agreement Change Number M-91-03-01<sup>1</sup>, requires USDOE to:

"SUBMIT REVISION OF THE HANFORD SITE TRUM AND MIXED LOW LEVEL WASTE PROJECT MANAGEMENT PLAN (PMP) TO ECOLOGY PURSUANT TO AND IN COMPLIANCE WITH THE REQUIRMENTS OF AGREEMENT SECTION 11.5. REVISIONS OF THE PMP SHALL ADDRESS RCRA MIXED AND SUSPECT MIXED TRANSURANIC AND LOW LEVEL WASTE AND WILL CONSIDER AND EXPRESSLY EVALUATE THE IMPACT OF M-91 RETRIEVAL, TREATMENT AND PROCESSING CAPABILITIES, THAT MAY RESULT FROM RETRIEVAL, TREATMENT AND/OR PROCESSING OF ANY OTHER TRANSURANIC OR SUSPECT TRANSURANIC WASTE INCLUDING BUT NOT LIMITED TO OFF-SITE TRANSURANIC WASTE AND HANFORD SITE TRANSURANIC WASTE GENERATED AFTER 1/1/03. REVISIONS OF THE PMP SHALL BE SUBMITTED ON 12/31/2003, 3/31/2009 AND 3/31/2013. EACH

<sup>1</sup> Agreement Change Control Number M-91-03-01 was tentatively approved by Ecology, USDOE, and the U.S. Environmental Protection Agency (EPA) on October 23, 2003. Final approval is subject to public comment.

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REVISION IS A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THIS AGREEMENT."

"WITH RESPECT TO RH MIXED WASTE AND MIXED WASTE IN BOXES AND LARGE CONTAINERS, THE PMP SUBMITTED ON 12/31/2003 WILL SPECIFICALLY IDENTIFY MEASURABLE ACTIONS TO BE TAKEN BY USDOE TO ACQUIRE CAPABILITIES TO MANAGE SUCH WASTE. THE PMP SHALL IDENTIFY SUCH MEASURABLE ACTIONS AT LEAST YEARLY."

"IN ADDITION, THE PMP SUBMITTED ON 12/31/2003, WILL NOT BE REQUIRED TO CONTAIN PLANS AND SCHEDULES FOR THE LDR TREATMENT (OR CERTIFICATION IN LIEU OF SUCH TREATMENT AS PROVIDED FOR IN M-91-42 AND M-91-44) OF TRUM WASTE."

Further, the Hanford Federal Facility Agreement and Consent Order (HFFACO, also known as the "Agreement") Section 11.5 states: "PMPs prepared under Agreement/milestone series M-90-00, M-91-00 and M-92-00, will ... be prepared, reviewed, and approved as primary documents to the extent they deal with waste streams regulated by Ecology and/or EPA". As the Agreement states: "The Department of Ecology (Ecology) is the state agency designated by RCW 70.105.130 to implement and enforce the provisions of the Resource Conservation and Recover Act as amended" and, further, "The Parties agree that the generation, treatment, storage, and disposal of hazardous waste is regulated by the State of Washington,...." As set forth above in Agreement Change Number M-91-03-01, this PMP is required to assess the impact on M-91 capabilities for both regulated and non-regulated wastes.

Initial review of the PMP has disclosed a number of major deficiencies, as follows:

1. The PMP does not address TRUM. M-91-03, as set forth above, requires USDOE to submit a revision of the Hanford Site TRUM and Mixed Low-Level Waste Project Management Plan (PMP) pursuant to and in compliance with Agreement Section 11.5. TRUM includes both Transuranic Mixed Waste and suspect Transuranic Mixed Waste. Consequently, it is not possible from reading this PMP for Ecology to assess DOE's plans for implementing M-91 requirements relating to TRUM. Nor does the PMP "consider and expressly evaluate the impact on M-91 retrieval, treatment, and processing capabilities that may result from retrieval treatment and/or processing of any other Transuranic or Suspect Transuranic Waste including but not limited to off-site Transuranic waste generated after 1/1/03." The PMP must include an evaluation of these considerations and must address TRUM waste retrieval, storage, and management.
2. The PMP includes a proposal to change the treatment schedule for Milestones M-91-12 and M-91-12A that is not in compliance with Agreement Change Number M-91-03-01, as agreed

to by all parties on 10/23/2003. The requirements and due dates for these milestones are as follows:

M-91-12 COMPLETE THERMAL TREATMENT OF AN ADDITIONAL 360 CUBIC METERS OF CONTACT HANDLED LLMW. THIS BRINGS THE CUMULATIVE TOTAL TO AT LEAST 600 CUBIC METERS OF CONTACT HANDLED LLMW THERMALLY TREATED. Due: 12/31/2005

M-91-12A COMPLETE THERMAL TREATMENT OF AT LEAST 240 CUBIC METERS OF CONTACT HANDLED LLMW. Due: 12/31/2004

Ecology expects USDOE to fulfill its commitment to these milestones unless and until the milestones are modified pursuant to the process set forth in Agreement Section 12. Ecology expects USDOE to make all reasonable efforts to meet the current treatment schedule as set forth above, including timely soliciting proposals for commercial treatment consistent with the current schedule, before USDOE proposes changes to the existing schedule. This PMP must include actions to be taken in an effort to meet these Agreement milestones.

3. The PMP does not include a Funding Profile. Agreement Section 11.5 states: "The Funding Profile shall include a life-cycle projection of annual funding required to accomplish project scope in accordance with the top-level WBS and schedule." This element must be incorporated within the PMP as a distinct section or appendix, and none has been provided. This is critical information for a project of this scope and importance to assure Hanford Site cleanup consistent with the requirements, performance, and due dates set forth in Agreement Change Number M-91-03-01. Further, while the USDOE transmittal letter states that "a life-cycle budget profile is not included in this PMP" and promises it "will be incorporated after the re-baselining is completed," rebaselining is not expected to be completed before Ecology's review comments under the HFFACO are due to USDOE. Ecology will not approve USDOE's PMP as satisfying Agreement milestone M-91-03 and Agreement Action Plan Section 11.5, unless it includes an up-to-date Funding Profile. The Funding Profile must include all costs and describe, by year and in total, the following: Total Project Cost, Project Support Cost Resource Plan, Capital Cost Resource Plan, Work Breakdown Structure Cost, and the Estimates Basis for all such costs.
4. The PMP includes a Work Breakdown Structure (WBS) that is neither applicable nor fully supports accomplishment of all necessary work to meet the requirements of Agreement Change Number M-91-03-01. Agreement Section 11.5 requires that, "[a]t the time PMPs are submitted for approval, they shall describe in detail the work to be done and performance standards to be met." The WBS must be based on the most recent rebaselining developed to support this work, as reflected in the Funding Profile to be incorporated in the PMP, and include all work activities, distinguished as either current capabilities or planned capabilities,

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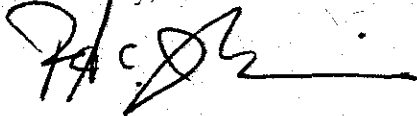
broken down into each WBS Element and described by an Element Task Description that identifies the Cost Content, Technical Content, and Work Statement for each Element Task Description. Ecology will not approve USDOE's PMP as satisfying Agreement milestone M-91-03 and Agreement Action Plan Section 11.5, unless it includes an up-to-date and complete WBS.

5. The PMP does not address the impact of M-16 activities on the capabilities planned pursuant to M-91. M-91-03 expressly requires the PMP to include an analysis of these impacts.

For TRUM waste, this PMP must include all elements set forth under Agreement Section 11.5. For example, the PMP must include specific details on TRUM retrieval, assay, and designation; steps taken to ensure that TRUM is stored and managed as RCRA compliant waste; and TRUM waste management work off plans and/or schedules that ensures removal of TRUM waste from the Hanford Site. The working draft document entitled, "M-91 Transuranic Waste Project Management Plan," dated August 26, 2003, contains many of the details addressing these elements.

Based on the information contained in the PMP and the major deficiencies set forth above, Ecology would be willing to entertain a timely, written request by DOE pursuant to Agreement section 9.2.1, to extend USDOE's response time until March 30, 2004, to allow USDOE additional time to address all the information and level of detail needed to be included in the PMP, including updated rebaselining information.

Sincerely,



Fred C. Jamison  
Waste Management Project Manager  
Nuclear Waste Program

FCJ:nc

cc: Laura Cusack, Ecology  
Max Power, Ecology  
Ron Skinnarland, Ecology  
Mike Wilson, Ecology  
Todd Martin, HAB

Stuart Harris, CTUIR  
Pat Sobotta, NPT  
Russell Jim, YN  
Ken Niles, ODOE  
Administrative Record